



CITY OF MEMPHIS

COUNCIL AGENDA

December 2, 2003

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (Nov. 18, 2003)

CONSENT AGENDA

GENERAL ORDINANCE- FIRST READING

1. **ORDINANCE** amending Chapter 14 of the Code of Ordinances regarding inspection of private fire hydrants, up for F I R S T reading.

Mitchell

Ordinance No. 5030

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCE - FIRST READING

2. **ORDINANCE** rezoning the west side of Brunswick Road @Davies Plantation Road, containing 2.78 acres in the Agricultural (AG) District, up for F I R S T reading.

Peete

Ordinance No. 5031

Case No. Z 03-124cc

Applicants: Toni Cox & Albert Nicholson
J.C. Enterprise (Jamie Callahan) - Representative

Request: Residential (R-E) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (none)

ENGINEERING

3. **RESOLUTION** accepting FRANKLIN FARMS P.D., PHASE 3, PART OF AREA D, and authorizing release of bond.

Case No. PD 98-332cc

(Contract No. CR-4782)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Houston Levee Road, north of Highway 64. The standard improvement contract was approved on March 4, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$90,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION accepting KEMMONS WILSON-WAYNE TODD HIGHWAY 64, P.D., PHASE 2, PART OF AREA A, and authorizing release of bond.

Case No. PD 88-336cc
(Contract No. CR-3764)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of U.S. Highway 64, 348.63 feet east of Kate Bond Road. The standard improvement contract was approved on September 14, 1993. Resolution also authorizes the release of the letter of credit in the amount of \$30,600.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving final plat of PEABODY GREEN P.D., PHASE 2.

Case No. PD 01-340

Resolution approves the final plat located on the south side of Peabody Avenue, west of South Barksdale Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting PEAR AVENUE SEWER EXTENSION(PONDEROSA FIBRES), and authorizing release of bond.

(Contract No. CR-4018)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located in the FS-1 Sewer District. The standard improvement contract was approved on October 17, 1995. Resolution also authorizes the release of the letter of credit in the amount of \$40,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting WILSON-TODD HWY 64 P.D., PHASE 1, AREA C, and authorizing release of bond.

Case No. PD 88-336cc
(Contract No. CR-3546)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of U.S. Highway 64, 400.56 feet east of Kate Bond Road. The standard improvement contract was approved on July 30, 1991. Resolution also authorizes the release of the performance bond in the amount of \$15,300.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of SUTTON PLACE PD, PHASE 2.

Case No. PD 02-313cc
Contract CR-4838

Resolution approves the final plat located on the east side of Houston Levee Road, north of Macon Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard

improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving the SUPPLEMENTAL AGREEMENT #1 to MONTEBELLO PD, PHASE 2, AREAS B & C.

Case No. PD 00-353
Contract No. CR-4733AM

Resolution approves the Supplemental Agreement #1 located on the north side of Thor Road, 155.43 feet east of Bending Oak Lane. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

10. RESOLUTION declaring Monday, December 29, 2003, as “Merle Cowan Appreciation Day”.
Hooks

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

11. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 03-362 –JACKSON AVENUE PLANNED DEVELOPMENT, AMENDED

Located on the southeast corner of Jackson Avenue and Hollywood Street, containing 1.69 acres and is currently governed by Jackson Avenue Planned Development (P.D. 03-330)

Applicant: RFM Development
Askew Hargraves Harcourt & Associates, Inc.(Brenda Solomito) – Representative

Request: Planned development amendment to allow extended hours of operation for a new Walgreen’s Drug Store

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. SAC 02-620 – DAVEY DRIVE
(Companion Case: SAC 02-621)

Beginning at the west line of North Hollywood Street with Range Line Road; proceeding westwardly 1,091.6 feet, containing 1.062 acres in the Single Family Residential (RS-6) District

Applicant: Memphis Housing Authority
James K. Dickinson – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 02-621- DAVEY COVE
(Companion Case: SAC 02-620)

Beginning at the north line of Davey Drive and proceeding northeastwardly ± 315.19 feet,
containing 0.3547 acre in the Single Family Residential (RS-6) District

Applicant: Memphis Housing Authority
James K. Dickinson – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 16, 2003



CITY OF MEMPHIS

COUNCIL AGENDA
December 2, 2003
Public Session, Tuesday, 3:30p.m.
Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

CITY COUNCIL AS A RATE MAKING BOARD

12. RESOLUTION convening City Council as a rate making Board for the purpose of determining the feasibility of a revision in the schedule of rates, and to prescribe rates sufficient for the operation of Memphis Light, Gas and Water Division.

Jones

ACTION REQUESTED: Adopt the resolution

COUNCIL RECESSES AS CITY COUNCIL AND CONVENES AS
A RATE –MAKING BOARD

MEETING CALLED TO ORDER AS A RATE-MAKING BOARD BY
THE SERGEANT-AT-ARMS

PUBLIC HEARING Re: Revised schedule of MLGW rates

Presentation by: Memphis Light, Gas & Water

13. RESOLUTION approving MLGW’s 2004 changes for electric gas and water rates to be effective with meters read on Cycle 1 of January 2004.

Jones

MLG&W Board of Commissioners recommend approval

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT AS A RATE MAKING BOARD BY
THE SERGEANT-AT-ARMS

MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL
BY THE SERGEANT-AT-ARMS

14. RESOLUTION approving MLGW’s 2004 Budget which includes increases in electric, gas and water rates to be effective with meters read on Cycle One of the January 2004 revenue month on a non-prorated basis.

Jones

PRESENTATIONS AND RECOGNITION OF VISITORS

15. RESOLUTION congratulating Judy Faye Peebles on being named a member of USA Today's 2003 All-USA Teacher Team.(Held from 11/18)

Lowery

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION approving an honorary street name change for Reverend C. N. Hamilton(Held from 11/18).

Ford

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION honoring Charlie and Alma Morris.

Jones

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION honoring the life of Army Staff Sgt. Morgan D. Kennon.

Taylor
& Mitchell

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION honoring Robert Brooks.

Vander Schaaf

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION honoring Osie Lewis, Jr.

Vander Schaaf

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

21. RESOLUTION approving temporary structures on the streets on December 6, 2003 from 6:30 a.m. until 4:00 p.m. for the St. Jude Children’s Research Hospital Memphis Marathon.

Mitchell

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION approving temporary structures on the streets on December 5th thru December 6th, 2003 from 7:00 a.m. until 12:00 a.m. for the Archangel Entertainment presenting “Michelle Bolton’s Birthday Party”.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

23. RESOLUTION amending the FY 2004 Community Development Block Grant(CDBG) Operating Budget by transferring appropriations that total \$4,070,000.00 to the following newly created projects: Cleaborn Homes, Lamar Terrace Acquisition, College Park Street & Lighting Improvements, Fowler Homes Demolition, Montgomery Plaza Repairs.

Ford

be used by the Memphis Housing Authority to commence planned redevelopment activities as follows: Lamar Terrace, Weaver Fields/Richmond Place, and MHA-Multi Family Activities.

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

24. RESOLUTION appropriating \$2,860,104.00 funded by G.O. Bonds General for Whitehaven Golf Center, CIP Number PK141 as part of the FY 2004 Capital Improvement Budget. Bids were received on November 7, 2003 with the best low bid of four (4) bids being from Step/Jamerson Gibson A Joint Venture.

Vergos

Resolution amends FY04 Budget by transferring \$105,576.00 G.O. Bond from Architect Engineering to Construction. Resolution also request a transfer of \$124,924.00 from Architect and Engineering to Furniture, Fixtures and Equipment.

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION including Riverview Community Center, CIP Project Number PK186 as part of the Fiscal Year 2004 Capital Improvement Budget Program. Administration requests approval for the continuation of plans and specifications and taking of bids for the New Community Center at an estimated construction cost of \$4,900,000.00.

Vergos

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION including Alonzo Weaver Park Improvements, located at Mitchell Road & Sax Road, CIP Project Number PK170, as part of the Fiscal Year 2004 Capital Improvement Budget. A bid in the amount of \$687,600.00 and contingency amount of \$55,008.00 makes this total appropriation request from the City of Memphis Council a total of \$742,608.00.

Vergos

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

27. RESOLUTION accepting grant funds in the amount of \$855,602.00 for the Memphis Police Department from the US Department of Justice, Bureau of Justice Assistance Local Law Enforcement Block Grant funds. These funds will be used for various Law Enforcement needs and Community/Crime Prevention activities. Resolution also amends Fiscal Year 2004 Operating Budget to appropriate funds and matching funds.

Mitchell

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION including the Traffic Precinct, CIP Project Number PD033 as part of the Fiscal Year 2004 Capital Improvement Program. Administration requests approval for the continuation of plans and specifications and taking of bids for the Dog Squad facility at the proposed Traffic Precinct site at an estimated construction cost of \$450,000.00.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

29. RESOLUTION amending the FY 2004 Capital Improvement Budget by appropriating \$534,886.00 in G.O. Bonds for project number PW152 ADA Wheelchair Ramps for a construction contract with Omega General Contractors.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$151,972.00 in Sewer Funds from Service to Unsewered Area project number SW038 to Cordova Baptist Church Sewer Extension project number SW148 for construction contract with Argo Construction.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$173,056.00 in G.O. Bonds from Bridge Repair project number PW176 to North Watkins over North Parkway Bridge Repairs project number PW446 for a construction contract with Chris Hill Construction.

Hooks

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$77,564.00 in Sewer Funds from Rehabilitation of Existing Sewers project number SW012 to Handy Park Sewer Relocation project number SW150 for construction contract with Encor, LLC.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION amending the Capital Improvement Budget by transferring engineering allocations of \$461,000.00 in G.O. Bonds from various projects and transferring construction allocations in G.O. Bonds of \$1,800,000.00 from Crumpler Global to Shelby project PW454 to Getwell Stateline to Shelby project PW449.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the Capital Improvement Budget by transferring an allocation of \$2,126,000.00 in G.O. Bonds from Holmes Road Tchulahoma to Getwell project PW452 to Holmes Road Lamar to Getwell project number PW451.

Hooks

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$80,000.00 in Sewer Funds from Rehabilitation of Existing Sewers project number SW012 to Wolf River Hollywood Sewer project number SW152.

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

December 2, 2003

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GENERAL ORDINANCES -THIRD AND FINAL READING

36. **ORDINANCE** to amend Chapter 22, Code of Ordinances, City of Memphis, by creating a new Chapter 22; to provide regulation for Excessive Noise, up for T H I R D and F I N A L reading. (Held from 7/16; 8/20/ 9/17; 10/1; 10/15; 12/03; 1/7; 2/18; 3/4; 3/18; 4/15; 5/6;5/20;6/3; 8/5;11/4) (**Pulled from January 21, 2003 Minutes**)
Peete Ordinance No. 4952

ACTION REQUESTED: Take whatever action Council deems advisable

37. **ORDINANCE** to amend Chapter 39, Code of Ordinances, City of Memphis, so as to revise and update Section 39, Article II, Horse Drawn Carriages, up for T H I R D and F I N A L reading.
Peete Ordinance No. 5029

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES - THIRD AND FINAL READING

38. **ORDINANCE** rezoning the west side of New Horn Lake Road; +/-185.25 feet south of Brooks Road, containing .98 acre (42,688 sq. ft.) in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.(Held from 11/18)
Peete Ordinance No. 5019
Case No. Z 03-117

Applicant: Bezuneh Tessema
McCaskill & Associates, Inc. (Tim McCaskill) – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL of the Neighborhood
Commercial (C-N) District

ACTION REQUESTED: Take whatever action Council deems advisable

52 NOTICES MAILED ON NOVEMBER 7, 2003

39. **ORDINANCE** rezoning the southwest corner of E.H. Crump Boulevard and Barton Street, containing 0.135 acre in the Gateway Commercial (C-G) District, up for T H I R D and F I N A L reading.
Peete Ordinance No. 5021
Case No. Z 03-119

Applicant: Willie W. Herenton
SR Consulting, LLC - Representative

Request: South Downtown Residential (R-SD) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

44 NOTICES MAILED ON NOVEMBER 14, 2003

40. **ORDINANCE** rezoning the north side of Berryhill Road; +210 feet east of Strawberry Lane, containing 1.102 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.
Peete Ordinance No. 5022
Case No. Z 03-120cc

Applicant: Mel Brookins
SR Consulting, LLC - Cindy Reaves - Representative

Request: Single Family Residential (R-S8) and Residential Estate
(R-E)Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

407 NOTICES MAILED ON NOVEMBER 14, 2003

PUBLIC HEARING Re: Midtown Corridor East Binghampton Plan and
Redevelopment Plan for the Eastview Area

Presentation By: Office of Planning and Development

41. RESOLUTION adopting The Midtown Corridor East/Binghampton Plan as expanded
and amending the Midtown Corridor East Redevelopment Plan Adopted April 17, 2001.

Peete

Director of the Division of Planning and Development recommends approval

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION adopting the Redevelopment Plan for The Eastview Area.

Peete

Director of the Division of Planning and Development and LUCB recommends
approval

ACTION REQUESTED: Adopt the resolution

43. **ORDINANCE** amending the zoning map for Midtown Corridor East/Binghampton area:
North Parkway/Summer Avenue on the North, Poplar Avenue on the South, the East and
West side of Holmes Road on the East and East Parkway North on the West, up
for T H I R D and F I N A L reading.

Peete

Ordinance No. 5023
Case No. Z 03-122
(Companion Cases: RC 03-401/Ord.
#5024, ZTA 03-004cc/Ord. #5025
& ZTA 03-005cc/Ord. #5026)

Applicant: Memphis & Shelby County Office of Planning & Development
Terry Emerick - Representative

Request: Multiple Districts

LUCB recommendation: APPROVAL, with recommendations

OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

2511 NOTICES MAILED ON NOVEMBER 14, 2003

44. **ORDINANCE** extending the Residential Corridor Designation on Walnut Grove,
beginning at the Centerline of Holmes Road and extending westward a distance of +/-
1500 feet on Walnut Grove Road, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5024
Case No. RC 03-401
(Companion Cases: Z 03-122/Ord.
#5023 & ZTA 03-004cc/Ord. #
5025 & ZTA 03-005cc/Ord. #5026

Applicant: Memphis & Shelby County Office of Planning & Development
Terry Emerick - Representative

Request: Extension of the Residential Corridor designation of Walnut Grove
Road

LUCB and OPD recommendation: APPROVAL

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ACTION REQUESTED: Take whatever action Council deems advisable

2511 NOTICES MAILED ON NOVEMBER 14, 2003

45. **ORDINANCE** to create a new Residential Infill District (R-S6 I), up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5025
Case No. ZTA 03-004cc
(Companion Cases: Z 03-122/Ord.
#5023, RC 03-401/Ord. #5024 &
ZTA 03-005cc/Ord. #5026)

Applicant: Memphis & Shelby County Office of Planning & Development

Request: Create a new Residential Infill District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

2511 NOTICES MAILED ON NOVEMBER 14, 2003

46. **ORDINANCE** to amend the Neighborhood Commercial District (C-N) to allow residential uses, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5026
Case No. ZTA 03-005cc
(Companion Cases: Z 03-122/Ord.
#5023, RC 03-401/Ord. #5024 &
ZTA 03-005cc/Ord. #5025)

Applicant: Memphis & Shelby County Office of Planning & Development
Terry Emerick - Representative

Request: Amend the Neighborhood Commercial District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

2511 NOTICES MAILED ON NOVEMBER 14, 2003

47. **ORDINANCE** rezoning the east side of Austin Peay Highway; +750 feet south of Joslyn Street, containing 1.24 acres in the Single Family Residential (R-S10) District, up for

T H I R D and F I N A L reading.

Peete

Ordinance No. 5027
Case No. Z 03-121

Applicant: Popeye's of Memphis
Barge, Waggoner, Summer & Cannon (Charles Goforth) -
Representative

Request: Planned Commercial (C-P) District

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

54 NOTICES MAILED ON NOVEMBER 14, 2003

48. **JOINT ORDINANCE** to amend Section 29, Signs and Section 30, Nonconformities, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5028
Case No. ZTA 03-002cc

Applicant: Memphis & Shelby County Office of Planning & Development
Mary Baker - Representative

Request: 1) Amend Section 29 - Signs, Subsection III - Definitions; Subsection IV - Classification of Signs; Subsection V - Signs Prohibited; Subsection VI - General Standards; Subsection VII - Permanent On-Premise Sign Regulations; Creating a new Subsection XII - Violations and a new Subsection XIII - Enforcement and Penalties
2) Amend Section 30 - Nonconformities, Subsection E - Nonconforming On-Premise and Off-Premise Signs

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT

49. RESOLUTION approving a special use permit located on the north side of Brooks Rd.; +815 ft. west of Graves Rd. intersection, containing 25 acres in the Heavy Industrial (I-H) and Heavy Industrial Flood Plain I-H (FP) Districts. (Held from 8/19;9/2;10/7)
Peete Case No. SUP 03-214

Applicant: Pull-A-Part of Tennessee, LLC
SR Consulting, L.L.C. (Cindy Reaves)-
Representative

Request: Automobile Dismantler & Recycler

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

50. RESOLUTION approving a special use permit located on the northwest corner of Raines Road and Neely Road, containing 6.41 acres in the Planned Commercial (C-P) District. (Held from 8/19; 9/2;9/16;10/21; 11/4;11/18)
Peete Case No. SUP 03-207

Applicant: Cummings Street Baptist Church
Grant Madsen – Representative

Request: Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

51. RESOLUTION approving a use variance located on the south side of Mosby Road; +/- 1,302 feet west of Elvis Presley, containing 0.58 acre(25,265 sq. ft.) in the Single Family Residential (R-S10) District.
Peete Case No. UV 03-08

Applicant: Tonya Anderson/Sharon Chaney
Tonya Anderson – Representative

Request: Use Variation to allow a Day Care Center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

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52. RESOLUTION approving a use variance located on the north side of Rhodes Avenue; +214 feet east of Getwell Road, containing 0.065 acre(2,581 sq. ft.) in the Single Family Residential (R-S6) District.
Peete Case No. UV 03-006

Applicant: Granville & Eugenia Messick
SR Consulting, LLC (Cindy Reaves)

Request: Parking for adjacent restaurant (Tops Bar B Q)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

53. RESOLUTION approving a planned development located on the east side of Whitten Road; +284 feet north of Hillshire Drive, containing 6.78 acres in the Local Commercial (C-L) District.

Peete

Case No. PD 03-347

Applicant: Ross Hamilton
Davis Engineering Co., Inc. - Representative

Request: Planned development to permit 3 commercial lots with an average lot size of 2.0 acres and in accordance with the bulk regulations for the C-L District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

104 NOTICES MAILED ON NOVEMBER 14, 2003

54. RESOLUTION approving a special use permit located on the north side of Fite Road +2,356 feet west of Tay-For Drive, containing 127.3 acres in the Heavy Industrial (I-H) District.

Peete

Case No. SUP 03-218cc

Applicant: JACS, LLC
Nathan Bicks - Representative

Request: Class III Landfill for Agricultural and Construction/Demolition Waste

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES MAILED ON NOVEMBER 14, 2003

55. RESOLUTION approving a use variance located on the southeast corner of South Parkway East and Wellington Street, containing 0.676 acre in the two existing residences and vacant lot/Single Family Residential (R-S6) District.(Held from 11/18)

Peete

Case No. UV 03-02

Applicant: Christ Missionary Baptist Church
Bill Fuller - Representative

Request: 1) Variance to Chart I to Permit an Off-Premise Automobile Parking Lot as a Principal Use for church
2) Variance to Section 28 - Off Street Parking and Loading; Subsection C.5 - Location of Parking on Site to permit more than one parking space to be located within the required front yard

LUCB recommendation: REJECTION

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OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

112 NOTICES MAILED ON NOVEMBER 7, 2003

56. RESOLUTION approving a street/alley closure beginning on the north side of Waynoka Avenue and proceeding approximately 200 feet to the south side of Sevier Street, containing 4,997 square feet.(Held from 11/18)

Peete

Case No. SAC 03-608

Applicant: William L. Loeb, III
Tim McCaskill - Representative

Request: Partial Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

55 NOTICES MAILED ON NOVEMBER 7, 2003

GENERAL ITEMS

57. RESOLUTION amending the Council Rules of Procedure.

Taylor

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT